Applicant : Miller
Patent No. : n/a
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Serial No. : 09/629,262
Filed : 7/31/2000
Page : 2

Attorney's Docket No.: 10001634-1

11. (Amended) A computer readable memory operable to display information about a multitude of different customers comprising:

a first set of instructions to receive, for each customer, a set of numeric values, each associated with [one of a plurality of different parameters] parameters including a recency indicator, and an advocacy indicator;

a second set of instructions to generate, for each customer, for each customer, a symbol; and

a third set of instructions to arrange the symbols spatially, based on the numeric values.

REMARKS

In the office action mailed September 25, 2002, the Examiner rejected Claims 1,2, 4-6, 10-12, 14-16 and 20 as originally filed under 35 U.S.C. 103(a) as unpatentable over U.S. Pat. 6,182,097 (the "Hansen" Patent). In addition, the Examiner rejected Claims 3, 8, 13, and 18 under 103(a) as unpatentable over Hansen in view of U.S. Pat. 6,029,141 (the "Bezos" Patent). Claim 7 was rejected under 35 U.S.C. 112 as being indefinite. Finally, Claims 7, 9, 17, and 19 were rejected by the Examiner under 103(a) as unpatentable over Hansen in view of U.S. Pat. 5,894,310 (the "Arsenault" Patent).

Applicants appreciate the Examiner's review of the present application, and, in response, the cited references have been reviewed, and the rejections made to the claims by the Examiner have been considered. The claims presently on file in the above-identified application as amended herein are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Claims With Markings to Show Changes Made".

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

Applicant : Miller
Patent No. : n/a
Issued : n/a
Serial No. : 09/629,262
Filed : 7/31/2000
Page : 3

Attorney's Docket No.: 10001634-1

Claim Rejections

Applicants have deleted Claims 3, 8, 11, 13 and 18, and amended Claims 1, 7, and 11, to better clarify aspects of the invention as filed. The Examiner's rejections have also been thoroughly reviewed and considered. Accordingly, no new matter has been added as a result of these amendments.

In the Office Action, the Examiner rejected independent Claims 1 and 11 as unpatentable over Hansen. The Hansen patent is entitled "Method For Characterizing And Visualizing Patterns Of Usage Of A Web Site..." and it describes a system to record and display statistics on the popularity and usage of particular web pages. It describes a mechanism for recording information in a database concerning the usage patterns of a web site where each record is "the name of the corresponding file in the Web site directory." (Hansen col. 3 ln 35-36). The techniques described in Hansen are to report information on the usage of particular web pages, not the behavior of particular users (see Hansen, col 10, ln. 13-15) ("[o]nce built, the shadow-directory database affords immediate access to all the hits to a particular Web component"). Consequently, Hansen does not describe "[a] method of displaying information about a multitude of different customers comprising ... for each customer, receiving a set of numeric values, each associated with parameters including a recency indicator, and an advocacy indicator..." as does the amended Claims 1 and 11 of the instant application.

Indeed, the graphical displays described in Hansen graph the relative popularity of particular web pages. (Hansen, Fig. 1B). Hansen describes providing indicators of the popularity of particular web pages (Hansen, col. 6 ln. 39-40), which can be displayed, according to Hansen, according to the types of web site visitors, or the types of links (e.g., "content-providing" links or links that "aid[] navigation") (Hansen, col. 6 ln. 47-55).

Once again, Hansen is concerned with analyzing the files on a web site requested by a "visitor", described as "a person operating a browser and through it, visiting a Web site" (Hansen, col. 4 39-40), but Hansen does not describe analysis of any other behavior that could be completed by a visitor – such as completing a purchase, or having a customer refer another

Applicant : Miller
Patent No. : n/a
Issued : n/a
Serial No. : 09/629,262
Filed : 7/31/2000
Page : 4

Attorney's Docket No.: 10001634-1

customer to an online store. Hansen does not describe any method or system to track behavior other than browsing from one page to another. Behavior of a web site user – such as browsing to a catalog listing of an item on an electronic storefront, checking the price, and browsing to another page on return policies – would be tracked by the system described Hansen, but does not teach or suggest Claims 1 or 11.

Moreover, Hansen only tracks the web requests of a visitor within a single "visit", which Hansen describes as "a series of downloads, from a specified Web server by a fixed client browser, that are contiguous in time." (Hansen, col. 1, 50-52; col. 2, 14-20). But Hansen describes no method or system to recognize that a particular visitor has returned, or to track and analyze visitor behavior from visit to visit. Hansen does not describe any system for storing the "numeric values" of particular users from session to session. In this way, Hansen is only concerned with the behavior of a visitor in each visit, not with the behavior of a new or returning "customer." This is not surprising, however, as Hansen is concerned with tracking web pages, rather than the behavior of visitors between visits.

Hansen does not teach or suggest the "recency indicator" of the amended Claims 1 and 11 of the instant application. Instead, Hansen describes, in part, a method to retrieve information from a web log file that contains a sequential chronological listing of the files requested and served by a web server. The web log file is grouped in chronological order, not by client visit, and "mixes visit information from different clients in the logfile." (See Hansen, col. 2, ln. 21-25). Hansen describes methods to group the raw logfile information by each client session, rather than chronologically, (see Hansen, col. 8 ln. 13- col. 9 ln. 45), and then describes parsing these grouped logfile entries, which it identifies as "visit records." (col. 10, ln. 5-7). Hansen does not describe a method to recognize that a particular visitor has visited the web site before, and is now returned to the web site for another session. This necessarily prevents Hansen from being used to track any sort of "recency indicator," or a method to keep track of how long ago a visitor last visited.

Hansen also does not teach or suggest the "advocacy indicator" of the amended Claims 1 and 11 of the present invention. Instead, Hansen describes the use of a "referral indicator" – one

Applicant : Miller
Patent No. : n/a
Issued : n/a
Serial No. : 09/629,262
Filed : 7/31/2000
Page : 5

Attorney's Docket No.: 10001634-1

of the standard fields in a web logfile entry – to determine that a new client has come onto the web site. A referral indicator, according to Hansen, is the location of the web site page "containing the HyperText link that led a visitor to the data currently being viewed." (col. 8, ln. 59-61; col. 4, 19-21). This "referral indicator" is recorded as part of every standard logfile entry (col. 2, ln. 11), and is typically the page that is retrieved when a web user presses the "back" button in their browser (col. 4, ln. 21-22). Hansen uses the referral indicator as a method to determine whether a new "visit" has started in the log file: if the referral indicator contains a file location external to the web site being tracked, a new session has started. (col. 8, ln 59-61). However, Hansen does not describe recognizing or recording an instance where a visitor – much less a customer who has made a purchase – has through advocacy caused another separate and distinct customer to visit the web site in question. Indeed, Hansen records a "referral indicator" for every single time a web page is served by a web server, rather than when a new customer is referred by another customer to visit a web site and to make a purchase, as is described in Claims 1 and 11.

Claim 11 provides a different embodiment or aspect of the present invention, and as amended, is distinguishable over the cited references for at least the reasons provided above, and is therefore also in condition for immediate allowance. With respect to Claims 2 through 10 and 12 through 20, Hansen also fails to describe each and every element of these claims for at least the same reasons as described above in Claim 1. Claims 2 through 10 and 12 through 20 provide several different embodiments or aspects of the present invention and, as amended, remain patentably distinct from the references provided by the Examiner.

In addition, the Examiner rejected Claim 7 under Section 112 as being indefinite because it had an antecedent basis issue. Claim 7 referred to "the characteristic" of Claim 5 without that term being defined in Claim 5. This error has been eliminated through amendment of Claim 7 to refer to Claim 6, in which the term "characteristic" has antecedent basis.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

Applicant : Miller
Patent No. : n/a
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Serial No. : 09/629,262
Filed   : 7/31/2000
Page   : 6

Attorney's Docket No.: 10001634-1

requested that the Examiner telephone Leland Wiesner, Applicants' Attorney at (650) 853-1113

so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now

considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

12/6/2002

Date

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